

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 3, 2008

D052175 Bricker v. Pursell

The order is affirmed. Bricker is entitled to costs on appeal. McConnell, P.J.; We Concur: McDonald, J., O'Rourke, J.

D053774 Beatriz M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Beatriz M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

D051312 People v. Cordova

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D051681 In re Estate of Bryan

The motion to dismiss the appeal is granted. The appeal is hereby dismissed as untimely. Patricia is entitled to costs on appeal. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 4, 2008

D051419 People v. Holcomb

The sentence is reversed and the matter remanded to the trial court to specify which prison term enhancement it had elected to strike under Penal Code section 1385 and then either impose the second prior prison term enhancement or strike it with an on-the-record statement of reasons as to why striking the second prior conviction enhancement would serve the interests of justice. The trial court is directed to thereafter amend the abstract of judgment accordingly and forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D052812 People v. Young

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D053868 Estate of Gorman

Because appellant Linda Gorman White did not timely pay the filing fee, the appeal filed October 1, 2008, is dismissed.
(Cal. Rules of Court, rule 8.100(c)(3).)

D053868 Estate of Gorman

Because appellant Charles Gorman did not timely pay the filing fee, the appeal filed October 8, 2008, is dismissed.
(Cal. Rules of Court, rule 8.100(c)(3).)

D052056 People v. Keeler

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D052627 In re Keeler on Habeas Corpus

The petition is denied.

D052626 In re Keeler on Habeas Corpus

The petition is denied.

D053761 Theresa M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Theresa M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 4, 2008 (Continued)

D053796 Wendy W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Wendy W. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

D053761 Amanda C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Amanda C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

D053469 Center Associates L.P. et al. v. Superior Court of San Diego County/Maly et al.

Let a writ of mandate issue ordering the superior court to vacate its order granting the motion to disqualify counsel and to enter a new order denying the motion. Petitioners' request to order transfer of the case to a new trial judge is denied. Each party shall pay its own costs on this writ proceeding. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D051855 In re M.E., a Juvenile

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

D052486 In re Deante F., a Juvenile

The order is affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

D050888 People v. White

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

D047199 Donovan et al. v. Poway Unified School District et al.

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 4, 2008 (Continued)

D053786 In re Goodrum on Habeas Corpus

The petition is denied.

D053532 Moen v. Escondido Humane Society

Pursuant to California Rules of Court, rule 8.140, the appeal filed August 5, 2008, is DISMISSED for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

D053994 Simkin et al., v. Superior Court of San Diego County/Sherwood et al.,

The petition for writ of mandate and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices Benke and O'Rourke. The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 5, 2008

D051993 People v. Burton

The judgment is modified to strike rather than stay the two prior prison term enhancements under section 667.5, subdivision (b). The clerk of the superior court is directed to modify the abstract of judgment to reflect the disposition of this opinion, and is further directed to forward the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Haller, J.

D051505 People v. Stier

The opinion filed October 24, 2008, is ordered CERTIFIED FOR PUBLICATION.

D051448 People v. Smith

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.
CERTIFIED FOR PUBLICATION

D053518 In re Lindsey B. et al., Juveniles

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D052571 Hill v. County of San Diego

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D048746 U.S. Grant Hotel Ventures, LLC v. American Property Management Corporation

The petition for rehearing is denied.

D053995 Ruyle And Brewer v. Superior Court of San Diego County/Pennington

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 6, 2008

D053268 Sloan v. Olowokere

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D052193 Quin, Trustee of the Joseph Quin Family Trust v. El Cajon Grand Cocktail Lounge/Image 2000 Multimedia Inc., et al.

The post judgment order is reversed. The matter is remanded for determination of a reasonable attorney fee award in accordance with the principles set forth in this opinion. Appellant is entitled to costs and attorney fees on appeal to be determined by the trial court. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

D052920 People v. Daly

The judgment is reversed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D052991 Masterson v. Anthony Robbins & Associates, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D052654 In re Ricchio on Habeas Corpus

The petition for writ of habeas corpus, informal response and reply have been read and considered by Presiding Justice McConnell and Associate Justices Benke and McDonald.

Presiding Justice McConnell and Associate Justice Benke vote to deny the petition. Justice McDonald would have issued an order to show cause.

The petition is denied without prejudice to refiling the petition in the trial court for reconsideration in light of *In re Lawrence* (2008) 44 Cal.4th 1181 and *In re Shaputis* (2008) 44 Cal.4th 1241. The Clerk is directed to retain one copy of the petition and reply and return the originals and extra copies to petitioner.

D053885 Predmore v. Superior Court of San Diego/Dunn

Let a peremptory writ of mandate issue directing the superior court to vacate its order granting the motion to compel answers to deposition questions and awarding sanctions and enter an order denying the motion. The stay issued on October 16, 2008, is vacated. Predmore is entitled to costs in the writ proceeding. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3).) McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 6, 2008 (Continued)

D052899 In re Shawn F. et al., Juveniles

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., McDonald, J.

D053092 In re Vanessa H., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D053201 People v. Dunsmore

The order is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Aaron, J.

D052771 Gaines v. Garcia

Upon written request filed by appellant, the appeal is dismissed and the remittitur is order to issue immediately.

D052505 City of San Diego v. Mission Valley Partnership et al.

D053431 City of San Diego v. Mission Valley Partnership et al.

(consolidated) The motion to consolidate the above-entitled appeals is GRANTED.

Respondents' brief in D053431 remains due on or before November 13, 2008. Once briefing is complete in D053431 all future filings will be under D052505.

D053846 In re Grimes on Habeas Corpus

The petition is denied.

D053849 in re Blankenship on Habeas Corpus

The petition is denied.

Court convened at 10:00 a.m. (Board of Supervisors' Chambers, County Administration Center, 940 West Main Street, 2nd Floor, El Centro, California 92243)

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman
Assistant Clerk Administrator: Kevin Lane

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 6, 2008 (Continued)

D051457 People v. Gonzales

Cause called on merits. Patricia J. Ulibarri, Esq. argued for appellant. Kristen Chenelia, Deputy Attorney General argued for respondent. Ms. Ulibarri replied. Cause submitted.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D052162 Freitag v. Superior Court

Cause called on merits. Lowell F. Sutherland, Esq. argued for appellant. Michael Kalt, Esq. argued for respondent. Mr. Sutherland replied. Cause submitted.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

D051730 Martin v. Suarez et al.

Cause called on merits. Steve Saldo, Esq. argued for appellant. David Burke, Esq. argued for respondent. Mr. Saldo replied. Cause submitted.

Court recessed at 11:45 a.m. until Monday, November 10, 2008 at 9:00 a.m. in San Diego.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 7, 2008

D051143 Gonzalez et al. v. Bailey et al. The judgment is affirmed. O'Rourke, J.;
We Concur: McConnell, P.J., Aaron, J.

D052690 People v. Steffan
The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.

D050832 Sturgeon v. County of Los Angeles
Order modifying opinion [no change in judgment], denying petition for rehearing and denying the respective applications of the Los Angeles Superior Court, the Los Angeles District Attorney, the Los Angeles County Public Defender, the California Judges Association and the Association of Southern California Defense Counsel to file amicus curiae briefs. (Cal. Rules of Court, rule 8.200, (c)(1).)

D053801 James B. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
No timely petition for writ relief has been filed on behalf of petitioner James B. The notice of intent is deemed abandoned. The case is dismissed.

D053773 Michelle G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Michelle G. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D053860 Jose M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Jose M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D054019 Harvey v. Superior Court of San Diego County/People
The petition is denied.

D052534 People v. Yeager
The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.